

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK-----X  
GERARD HAMMOND,


Plaintiff,

-against-

OUR LADY OF MT. CARMEL ROMAN CATHOLIC  
CHURCH, OUR LADY OF MT. CARMEL SCHOOL,  
ARCHDIOCESE OF NEW YORK, JOHN DOE  
And JANE DOE, RICHARD ROE and JANE ROE,  
priests, clergy and administrators whose names are  
unknown to the Plaintiff,Defendants.  
-----XIndex Number:  
Date Purchased:Plaintiff designates  
NEW YORK  
County as the place of trial.The basis of the venue is  
Defendants' place of  
business.SUMMONS

To the above named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
September 11, 2019  
\_\_\_\_\_  
MICHAEL G. DOWD  
600 Third Avenue, 15<sup>th</sup> Floor  
New York, NY 10016  
(212) 751-1640

SWEENEY, REICH & BOLZ, LLP  
By: Gerard J. Sweeney, Esq.  
1981 Marcus Avenue, Suite 200  
Lake Success, NY 11042  
(718) 459-9000

Attorneys for Plaintiff

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
GERARD HAMMOND,

Plaintiff,

Index Number:

Date Filed:

-against-

**VERIFIED COMPLAINT**

OUR LADY OF MT. CARMEL ROMAN CATHOLIC  
CHURCH, OUR LADY OF MT. CARMEL SCHOOL,  
ARCHDIOCESE OF NEW YORK, JOHN DOE  
And JANE DOE, RICHARD ROE and JANE ROE,  
priests, clergy and administrators whose names are  
unknown to the Plaintiff,

Defendants.  
-----X

Plaintiff, Gerard Hammond by his attorney, MICHAEL G. DOWD, complaining of  
Defendants, hereby alleges the following:

**JURISDICTION AND VENUE**

1. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019, and CPLR § 214-g.
2. This Court has jurisdiction pursuant to CPLR § 301 as Defendants' principal place of business is in New York and because much of the unlawful conduct complained of herein occurred in New York.
3. Venue is proper pursuant to CPLR § 503 because New York County is the principal place of business of Defendants. In addition, many of the events giving rise to this action occurred in New York County.

**AS AND FOR A FIRST CAUSE OF ACTION**

**(NEGLIGENT SUPERVISION)**

4. The Plaintiff, Gerrard Hammond (hereinafter "Plaintiff") was born on January 6, 1959 and resides in Pennsylvania.
5. Plaintiff was raised a Roman Catholic and was a parishioner at Defendant OUR LADY OF MT. CARMEL ROMAN CATHOLIC CHURCH (hereinafter "MT. CARMEL"), which is a parish within the Defendant ARCHDIOCESE OF NEW YORK. MT. CARMEL is located in Elmsford, New York, which is located in Westchester County.
6. Plaintiff was baptized, confirmed, attended mass, and received his sacraments through the Roman Catholic Church.
7. Upon information and belief, at all times mentioned herein, the ARCHDIOCESE OF NEW YORK (hereinafter "ARCHDIOCESE") was and is a not-for-profit religions corporation organized and existing around and under by virtue of the laws of the State of New York. Its principal headquarters are located in New York, New York, which is in New York County.
8. Upon information and belief Timothy Cardinal Dolan (hereinafter "Dolan") is currently the Roman Catholic Archbishop of the ARCHDIOCESE.
9. Upon information and belief, the Archbishop is the Chief Executive Officer of all parishes and parish schools in the ARCHDIOCESE and as part of said responsibilities assigned to priests to work in the parishes.

10. Upon information and belief, all of Dolan's predecessor(s) were the Chief Executive Officer of all parishes and parish schools in the ARCHDIOCESE and as part of said responsibilities assigned the priests to work in the parishes, including Sylvere Gallant (hereinafter "Gallant"). This includes those Archbishops who assigned Gallant to his parish positions.
11. Upon information and belief, at all times mentioned herein, Dolan and the above-referenced predecessor Archbishops in the Office of the Archbishop, along with Defendant ARCHDIOCESE, created the policies and procedures to be followed by priests within the ARCHDIOCESE. The Office of the Archbishop and Defendant ARCHDIOCESE were responsible for investigating complaints against its parish clergy. In this capacity, the Office of the Archbishop either directly or through Diocesan officials appointed by them, established policies and procedures by which complaints of sexual abuse against parish clergy, priests and staff were to be dealt with and investigated by the ARCHDIOCESE.
12. Upon information and belief, at all times mentioned herein, the Office of the Archbishop was also responsible for removing and/or suspending parish clergy and priests from their duties.
13. Upon information and belief and at all times mentioned herein, Defendant ARCHDIOCESE and the Office of the Archbishop were in charge of supervising all Catholic Schools within its geographical boundaries, including the school at MT. CARMEL and developed and approved the curriculum, both religious and secular, for all these schools.

14. Upon information and belief, and at all times mentioned herein, Defendant ARCHDIOCESE also appointed the school principals and controlled the hiring and training of the teachers at its schools.
15. Upon information and belief and at all times mentioned herein, Gallant was a priest assigned to Defendant MT. CARMEL having been assigned and otherwise authorized to work there by the Cardinal.
16. Upon information and belief, Defendant MT. CARMEL is a Roman Catholic Church within the ARCHDIOCESE and located in Westchester County.
17. Gallant's abuse of Plaintiff occurred, to the best of Plaintiff's recollection, in approximately 1973. The abuse included, but was not limited to Gallant fondling Plaintiff's genitals and bottom, showing Plaintiff pornographic materials, Gallant providing Plaintiff with alcohol, particularly Seagram's 7, Gallant instructing Plaintiff to masturbate Gallant's genitals, and Gallant instructing Plaintiff to orally copulate him. The abuse occurred in Defendant MT. CARMEL's rectory and also in the sacristy. Plaintiff estimates the abuse occurred on approximately 10 occasions.
18. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE knew or should have known children such as Plaintiff were present in parish rectories for a variety of purposes including counseling and work.
19. Upon information and belief, Plaintiff was taught and otherwise informed by Defendants ARCHDIOCESE and MT. CARMEL by word and deed that he should obey, trust and respect the ARCHDIOCESE and Gallant.

20. Upon information and belief, since at least 1950 through present, Defendants ARCHDIOCESE and MT. CARMEL knew the risk of sexual abuse of minor parishioners by priests and other staff working in the ARCHDIOCESE.
21. Upon information and belief, at all times mentioned herein, Defendants ARCHDIOCESE and MT. CARMEL knew that minors sexually abused in the Catholic Church would suffer psychological and emotional injuries, as well as other damages.
22. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE aided and abetted the concealment of criminal conduct by failing and refusing to report allegations of child sexual abuse to appropriate New York civil authorities.
23. Upon information and belief, at the time of the acts alleged herein, Gallant was an employee of, and acting as an agent of Defendants ARCHDIOCESE and MT. CARMEL.
24. Upon information and belief, Defendants ARCHDIOCESE and MT. CARMEL had a duty to protect Plaintiff as a minor parishioner from Gallant criminal sexual acts.
25. Upon information and belief, Defendants ARCHDIOCESE and MT. CARMEL failed to adequately and completely supervise Gallant and as a result of this failure and negligence, proximately caused Plaintiff to be sexually abused by Gallant.
26. The aforementioned occurrences of sexual abuse were caused by the negligence, carelessness, recklessness and the willful, wanton, reckless and grossly negligent conduct of Defendants ARCHDIOCESE and MT. CARMEL and their agents, servants



and/or employees, in failing to properly and adequately supervise the conduct of Gallant as it related to Plaintiff.

27. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and the Plaintiff, as a result will be obligated to expend sums of money for medical expenses for treatment of said maladies.
28. That by reason of the foregoing, Defendants ARCHDIOCESE and MT. CARMEL are also liable to Plaintiff for punitive and exemplary damages.
29. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
30. The amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION**

**(NEGLIGENT FAILURE TO WARN)**

31. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the above paragraphs of this Complaint, with the same force and effect as if fully set forth at length herein.



32. Upon information and belief, prior to and at all times hereinafter mentioned, Defendants ARCHDIOCESE and MT. CARMEL and their agents, servants and employees, knew or should have known that Gallant violated ARCHDIOCESE and MT. CARMEL's relevant rules, regulations and protocols prohibiting priests like Gallant from sexually abusing and otherwise harming minor parishioners, including Plaintiff.
33. The Defendants, ARCHDIOCESE and MT. CARMEL and their agents, servants and employees were negligent, careless and reckless and acted willfully, wantonly and were grossly negligent in failing to warn Plaintiff that the failure of Gallant to abide by ARCHDIOCESE and MT. CARMEL rules, regulations and protocols regarding prohibitions on employees being alone with minor parishioners put Plaintiff at risk for being sexually abused by Gallant.
34. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that Plaintiff as a result will be obligated to expend sums of money for medical expenses for treatment of said maladies.
35. That by reason of the foregoing, Defendants ARCHDIOCESE and MT. CARMEL are also liable to Plaintiff for punitive and exemplary damages.

36. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
37. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION**

**(NEGLIGENT FAILURE TO PROVIDE A SAFE AND SECURE ENVIRONMENT)**


38. Plaintiff, repeats, reiterates and realleges each and every allegation contained in the above paragraphs of this Complaint, with the same force and effect as if fully set forth at length herein.
39. The Defendants ARCHDIOCESE and MT. CARMEL assumed a duty to protect the safety and welfare of Plaintiff as more fully set forth above, when Plaintiff, participated as a parishioner in MT. CARMEL. The duty imposed said Defendants, the duty to provide a reasonably safe and secure environment for Plaintiff while he was participating in parish programs.
40. When Plaintiff was in Defendants' care, said Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
41. Defendants ARCHDIOCESE and MT. CARMEL and their agents and employees were negligent, careless and reckless and acted willfully, wantonly and were grossly negligent in failing to provide a safe and secure environment for Plaintiff while he

participated as a minor in parish programs and was such were sexually abused by Gallant.

42. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to his nervous system, and had been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and upon information and belief, some or all of those injuries are of a permanent and lasting nature; and that Plaintiff as a result will be obligated to expend sums of money for medical expenses for treatment of said maladies.
43. That by reason of the foregoing, Defendants ARCHDIOCESE and MT. CARMEL are also liable to Plaintiff for punitive and exemplary damages.
44. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to CPLR 1602(7) and 1602(11).
45. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

WHEREFORE, the Plaintiff demands judgment against the Defendants, together with compensatory and punitive damages, and the interest, costs and disbursements pursuant to the causes of action herein.

Dated: New York, New York  
September 11, 2019

  
\_\_\_\_\_  
MICHAEL G. DOWD  
600 Third Avenue, 15<sup>th</sup> Floor  
New York, New York 10016  
(212) 751-1640

SWEENEY, REICH & BOLZ, LLP  
By: Gerard J. Sweeney, Esq.  
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Attorneys for Plaintiff

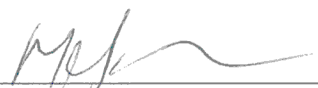
VERIFICATION BY ATTORNEY

MICHAEL G. DOWD, an attorney being duly admitted before the courts of the State of New York, hereby affirms the following under penalties of perjury:

That he is the attorney for the Plaintiff in the above-entitled action with an office located at 600 Third Ave, New York, New York; that he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof; that the same is true to his knowledge, except as to the matters stated to be alleged upon information and belief, and that as to those matters he believes them to be true.

That the reason why this verification is made by deponent instead of Plaintiff is because Plaintiff is not within the County of New York where deponent has his office. Deponent further says that the grounds of his belief as to all matters in the VERIFIED COMPLAINT not stated to be upon his knowledge are based upon conversations with the Plaintiff and other writings relevant to this action.

Dated: New York, New York  
September 11, 2019

  
\_\_\_\_\_  
MICHAEL G. DOWD  
Attorney for Plaintiff  
600 Third Avenue, 15<sup>th</sup> Floor  
New York, New York 10016  
(212) 751-1640